



UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS

VA Privacy Service

Privacy in Action Speaker Series Event Resource Guide

On behalf of the U.S. Department of Veterans Affairs (VA) Privacy Service, thank you for participating in the *Privacy in Action* Speaker Series event, “It Takes a Team: A Deeper Look at how Privacy, Records and FOIA Intersect.” We hope you found the information presented by our panelists insightful and meaningful to your daily work. Below is a recap of the main topics discussed today, with links to additional information.

The Privacy Act of 1974

The Privacy Act of 1974 (“Privacy Act”), 5 U.S.C. § 552a, contains provisions that grant a right of access for citizens to federal records.¹ The Privacy Act also establishes control over the kinds of personal information that is collected by the federal government, as well as its use. Notably, the Privacy Act only applies to records held by the agency that contain information about individuals that are maintained in a system of records.² There were several policy objectives for the Privacy Act including restricting the disclosure of personally identifiable records, granting individuals rights of access to their records, allowing individuals the right to amend records, and establishing a code of fair information practices.³

Freedom of Information Act

The Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, generally allows any person with the statutory right to obtain access to government information in executive branch agency records.⁴ FOIA also establishes controls for the kinds of information that can be released by executive branch agencies. The main policy objectives for FOIA were to ensure an informed citizenry and increased transparency for government activities.⁵

An Introduction to Records Management (RM) within Federal Agencies

Records Management functions within federal agencies are regulated under several laws, regulations and policies, including, but not limited to, the Federal Records Act. The Federal

¹ National Archives and Records Administration, The Privacy Act of 1974, available at: <https://www.archives.gov/about/laws/privacy-act-1974.html>.

² FOIA Ombudsman, The Intersection of FOIA Street and Privacy Act Lane, available at: <https://foia.blogs.archives.gov/2011/09/16/the-intersection-of-foia-street-and-privacy-act-lane/>.

³ International Association of Privacy Professionals, FOIA v. Privacy Act: A Comparison Chart, available at: <https://iapp.org/resources/article/foia-v-privacy-act-a-comparison-chart/>.

⁴ National Archives and Records Administration, The Freedom of Information Act, available at: <https://www.archives.gov/about/laws/foia.html>.

⁵ See Note 5, International Association of Privacy Professionals, FOIA v. Privacy Act: A Comparison Chart.



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Records Act, 44 U.S.C. Chapter 31, establishes general duties, program management requirements, and requirements for the transfer of records.⁶

More information

Agency Links

- Federal Records Centers (National Archives and Records Administration), available at: <https://www.archives.gov/frc>.
- National Archives and Records Administration, available at: <https://www.archives.gov/>.
- U.S. Department of Veteran Affairs, Privacy Service, available at: <https://www.oprm.va.gov/privacy/>.

Information and Articles Links

- The **Freedom of Information Act functionalities** available at: <https://www.foia.gov/>.
- National Archives and Records Administration, **Guide to the Inventory, Scheduling, and Disposition of Federal Records** available at: <https://www.archives.gov/records-mgmt/scheduling>
- National Archives and Records Administration, **Federal Laws, Policy & Regulations**, available at: <https://www.archives.gov/records-mgmt/laws>.
- National Archives and Records Administration, **Federal Electronic Records Modernization Initiative (FERMI)**, available at: <https://www.archives.gov/records-mgmt/policy/fermi>.
- National Archives and Records Administration, **Frequently Asked Questions About Federal Records Management**, available at: <https://www.archives.gov/records-mgmt/faqs/federal.html>.
- National Archives and Records Administration, **Managing Government Records Directive (M-12-18)**, available at: <https://www.archives.gov/records-mgmt/prmd.html>.
- National Archives and Records Administration, **National Archives Guides Federal Agencies on Electronic Records Management**, available at: <https://www.archives.gov/news/articles/archives-guides-agencies-on-managing-electronic-records>.
- United States General Services Administration, **Your Right to Federal Records: Questions and Answers on the Freedom of Information Act and Privacy Act**, available at: https://www.gsa.gov/cdnstatic/Your_Right_to_Federal_Records.pdf.

⁶ National Archives and Records Administration, Records Management by Federal Agencies, available at: <https://www.archives.gov/about/laws/fed-agencies.html>.



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- U.S. Department of Veterans Affairs, **Privacy Principles**, available at:
https://www.oprm.va.gov/privacy/privacy_principles.aspx.



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